# EXHIBIT 28

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

Case No. 1522-CC00419-02
Division 10

---

VICKIE FORREST, et al.,
Plaintiffs,
vs.
JOHNSON & JOHNSON, et al.,
Defendants.

---

# REMOTE DEPOSITION OF WILLIAM E. LONGO, Ph.D.

Monday, February 8, 2021

Court Reporter: Michelle M. Boudreaux, RPR

Q Okay. Let's go back to chrysotile for a second, then.

So how do you refer to your heavy liquid density separation method for chrysotile, just so we use the same language?

A The preparation is -- I call it the CSM method. For the analysis, we're using the ISO 22262-1 method. But just the preparation, we're using what CSM laid out. We're not using iodine anymore. That did not work on the size of the chrysotile bundles, either for the Calidria or what's being found in the Johnson & Johnson -- well, it's just not Johnson & Johnson. Any manufacturer that used Chinese-sourced talc, as well as Italian-sourced, Vermont -- well, we haven't really done that many Vermonts. Mostly for Johnson & Johnson, we have primarily been looking at Chinese-sourced, and I think we have one that was Vermont-sourced.

Q So help me understand that. When you say that iodine wasn't working, was it not staining the type of chrysotile that you are finding in these talc products, or what was happening that was causing the iodine not to work?

A Well, it works fine on the 1866b chrysotile standards that we initially were using as a standard. But it's not really a stain as much as it absorbs into

you look at it, the bundle will have a certain color or wavelength. Depending how uniform the bundle is, it could be all the same color, but usually you'll get a little bit different color at the edges versus in the middle of the bundle. So they're sort of a goldish-orange, sometimes a little bit more yellow if they're a little higher on the chart, and that would be -- the first thing you do is in parallel. Parallel dispersion, parallel to the optics.

Q (By Mr. Dubin) I'm trying to do this step by step. So I'm just asking simple questions, so --

A Okay. I'll try to give simple answers.

Q Right. So the analyst is looking at the color of what they're seeing in the immersion oil?

A Yes.

Q Okay. And then based on that analyst's judgment, then they are going to a table and looking up that color and finding what information?

A Well, if they're fairly new analysts, they're looking at the table a lot. If they're not -- if they're experienced, they may -- they have one up to -- you know, just as a reference. Once they get the color, they'll go to the table and approximate the --

they'll get the wavelength of that particular color. It's a sliding scale depending on your fluid. So they'll get the wavelength.

Q You get a wavelength depending on what color you think it is, right?

A What color it is.

Q Well, it's based on the judgment of the analyst what color they think they're seeing, right?

MS. O'DELL: Object to the form.

THE WITNESS: Well, it's based on what the analyst sees in the colors. It is a judgment that comes from years and years of experience, like every PLM analyst.

Q (By Mr. Dubin) Right. What I'm trying to get at there, though, for example, if you see a yellow, an analyst can say "I think it's a pale yellow," "I think it's a golden yellow," "I think it's a yellow," and those might all result in different wavelengths, right?

MS. O'DELL: Object to the form.

THE WITNESS: Again, it depends on the intensity. You can have -- but the wavelengths are usually -- if you're going from a golden yellow to a pale yellow -- what was the third one?

greater. You cannot identify it with 1.550 because you would be getting out of the range of that fluid. That's why you have two different fluids.

1.550 is good for the chrysotile polymorphs, and it's okay for the fibrous talc as long as you understand how far it can go up. I'm giving too much information now. I'm sorry.

Q No, I understand. Thank you.

I guess, though, just to be clear, you'll agree that in terms of this part of the process, determining what the color is and then applying that color to the wavelength, there's not, for example, a piece of data that tells you what the color is; that's the judgment of the analyst?

A As with all PLM microscopists in any lab out there -- I think we'll have something like you're suggesting in maybe another year; it's one of our next projects -- that they're making a judgment based on their experience and time in looking at the colors to equate to the wavelengths. And once you have a wavelength, you just look over the side of the chart and it tells you the refractive indices.

Q And, again, it may be that if you don't know anything about this, we'll have to talk about it in depth at some other point, but do you -- is it correct

that MAS's identification of chrysotile in the Johnson & Johnson products, in parallel orientation, you're typically evaluating it based on the yellow coloration of the particle?

MS. O'DELL: Object to the form.

THE WITNESS: Only in parallel. Yellow to golden yellow. Sometimes you'll see some red, a little bit of red, but that's the range we've been seeing.

Q (By Mr. Dubin) But typically you're evaluating it based on yellow, right?

MS. O'DELL: Object to the form.

THE WITNESS: Well, I can't say typically.

MR. DUBIN: Okay.

THE WITNESS: If you want to show me a photograph of one of our chrysotiles, I can tell you. But, you know, it depends on the thickness, it depends on where it was dug out of the ground, what the chemistry was of that particular area. So I'm not going to give you just typically it's yellow.

MR. DUBIN: That's fine. We can -- probably not me and you, but maybe you and Kevin at your Johnson continuation can have

chrysotile or talc?

MS. O'DELL: Object to the form.

THE WITNESS: Well, I would do dispersion staining, which you have to get all the optical crystalline information from it before you do that.

Q (By Mr. Dubin) And that's what we've been discussing previously, right, so --

A Yes, sir.

Q Okay, so let's not go back there.

Have you submitted this PLM method or any of your PLM results for publication or peer review?

A No, sir, I haven't.

Q Do you intend to do that?

A Yes.

Q Do you have any timeline for when you intend to do that?

A If I gave you a timeline, I'm sure that at some point I would have to say I haven't done it yet.

Q Okay. Do you have a timeline in mind?

A No.

Q I guess I'm curious about that. At least according to your results, you've come upon a method that at this point, nearly a hundred percent of the time, can identify chrysotile and talc. Why aren't you

these Grade 7s Canadas in terms of its sizes and shapes and the like?

A Well, what you find in the RG-144, which was pointed out to me, is that you get very few single fibers. And we did the air sampling of the RG-144. We had to go sonicate it to get the individual fibers out. You can get some very long ones, but the bundles are pretty consistent.

Q Okay. Well, we can talk about it some other day.

So just to make sure that we're on the same page, at this point, you've been finding -- using -- your technique to identify chrysotile, you've been finding chrysotile in Chinese-mine-sourced products at about a hundred percent hit rate?

A Yeah, using these CSM sample prep in the ISO 22262-1, it's not -- those two methods, so far it's been 100 percent

Q Okay. So recently I think you've issued some reports in the Cashmere Bouquet litigation, looking at some older containers, and you also found 100 percent positive rate using your method for chrysotile?

A In all their containers, yes.

Q And I take it, given the fact that those containers stretched from 1950s to 1990s, you'd be